

## **WARREN COUNTY BOARD OF SUPERVISORS**

**COMMITTEE: COUNTY CLERK - MOTOR VEHICLES**

**DATE: AUGUST 28, 2014**

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS MCDEVITT  
WOOD  
VANSELOW  
BEATY  
BROCK

**OTHERS PRESENT:**

PAM VOGEL, COUNTY CLERK  
MARTIN AUFFREDOU, COUNTY ATTORNEY  
AMANDA ALLEN, DEPUTY CLERK OF THE BOARD  
FRANK E. THOMAS, BUDGET OFFICER  
SUPERVISORS CONOVER  
FRASIER  
KENNY  
TAYLOR  
RONALD MONTESI, DEPUTY SUPERVISOR FOR THE TOWN OF QUEENSBURY  
DON LEHMAN, *THE POST STAR*  
SARAH MCLENITHAN, SECRETARY TO THE CLERK OF THE BOARD

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Mr. McDevitt called the meeting of the County Clerk - Motor Vehicles Committee to order at 9:30 a.m.

Motion was made by Ms. Wood, seconded by Mr. Beaty, and carried unanimously to approve the minutes from the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Pam Vogel, County Clerk, who distributed copies of the agenda to the Committee member; *a copy of the agenda is on file with the minutes.*

Mrs. Vogel requested to introduce Local Law No. 5 of 2014, "A Local Law Amending and Superceding Local Law No. 10 of 2011 in relation to Imposition of Additional Mortgage Recording Tax to Amend Section 3 to be in effect until December 1, 2016" and authorizing a Public Hearing thereon. She explained a resolution authorizing a Local Law was to impose the additional mortgage recording tax was required, as the previous one was due to expire. She pointed out the additional mortgage recording tax provided revenue to the County.

Martin Auffredou, County Attorney, advised Local Law No. 10 of 2011, which implemented the County's ability to charge an additional mortgage recording tax pursuant to State authority would expire on December 1, 2014. He stated the new statute to extend the additional mortgage recording tax was adopted and enacted earlier this month. He pointed out time constraints required that in order for the new Local Law to be effective on December 1, 2014, it must be adopted and filed with the Commissioner of Taxation 30 days before its effective date. He stated if the Local Law was moved forward this month, the Public Hearing would be scheduled for the October 17, 2014 Board meeting. He said he felt this would provide sufficient time to meet the deadline of having the Local Law adopted and filed with the Department of Taxation and Finance prior to the aforementioned deadline. He cautioned if the request was not approved today it may result in the County missing the required deadline. He pointed out most Counties had some form of a "mortgage tax".

Mrs. Vogel mentioned that 23 Counties in the State had adopted the local mortgage recording tax and other Counties had something called the transportation tax; however, she said, most Counties had the additional mortgage recording tax. She apprised Warren County originally adopted the additional mortgage recording tax in 1999.

Mr. Beaty questioned how Warren County's additional mortgage recording tax of \$.25 per \$100 on the mortgaged amount compared to that of other Counties and Mrs. Vogel replied that this was the standard amount charged. Mr. Auffredou pointed out the fee was not increasing.

Mr. Brock questioned what the Transportation Tax referred to and Mrs. Vogel said she was unsure, as Warren County charged the additional mortgage recording tax instead of the transportation tax. Mr. Brock asked whether the additional mortgage recording tax could be included as part of the closing costs and Mrs. Vogel responded she was unsure of the closing process. She stated the additional mortgage recording tax must be paid at the time the mortgage was recorded. Mr. Brock apprised of his concern that the additional tax would be burdensome for first time home buyers whose funds at closing may be limited. Mrs. Vogel pointed out a portion of the overall tax was paid by the lender and the remainder was paid by the borrower. Mr. McDevitt interjected that the lender made the decision as to whether they wanted to bundle the tax into the closing costs. He stated he felt this tax provided a necessary revenue stream to the County.

Mr. Beaty pointed out the revenue collected this year from the additional mortgage recording tax was projected to decrease substantially, which indicated to him that home sales in the County were decreasing, as well. He said although he was unsure whether the tax related to the decrease, he felt first time home buyers today were more conscious of how they spent their money. He questioned whether the projected revenue amount of \$708,000 was the same as the amount budgeted for. Mrs. Vogel explained the \$708,000 figure included both the local mortgage tax and the additional mortgage recording tax, of which about half had been collected for the year thus far. She pointed out the decrease in collection was not merely impacting Warren County, as it was occurring Statewide. She said a report came out in June stating the decrease in the tax during the first quarter was most likely attributed to the inclement weather. She apprised she was hopeful the amount collected in 2015 would increase; however, she said, it was probable a smaller amount would be collected this year than had been in the previous year.

Mr. Vanselow advised the Real Estate Agents he had spoken with informed him the market seemed to be flat. He said he felt the tax had little impact on the market since almost every County in the State had one form or another of it. Mr. Beaty stated he felt that although the fee was minimal because first time home buyers were itemizing every dime they spent, the tax may have some determination as to where they purchased a home. Mrs. Vogel pointed out there were additional transactions that were not accounted for because they were cash sales.

Ms. Wood stated although the amount of funds had decreased she did not feel this was necessarily related to the number of mortgages being recorded, as she believed it may be due to the dollar amounts of the mortgages recorded being of a smaller value. Mr. McDevitt added he thought the real estate market was improving slowly, as the latest national figures released depicted an upward trend. He noted a rather large transaction occurred recently that impacted the Towns of Corinth and Lake Luzerne. He explained a large hydro facility with property in both Town's was sold and an investment firm from New York City was putting together a mortgage for \$193 million from which the County would get a portion as its share for the local and additional mortgage recording tax. He said he was hopeful the revenue from the sale would be received prior to the end of the year.

Mrs. Vogel advised it was not uncommon for mortgages to involve more than one County, as they were referred to as mortgage apportionments. She said New York State required the County Clerk's Office to submit the assessment data to them when such a transaction occurred. She stated since the hydro facility mortgage was rather large the money was being held until New York State made a final determination. She explained the State reviewed the values and apportioned the funds

accordingly. She mentioned she was hopeful the transaction would be completed shortly so the County would receive their share of the local and additional mortgage recording tax. She pointed out because of the substantial size of the transaction it was rather unique. She commented it was important to be conscious of the current status and remain conservative in the budgeting process. She added the additional revenue received was crucial for the County and to its tax base, as it assisted with reducing the operating costs of the County.

Motion was made by Ms. Wood, seconded by Mr. Vanselow and carried unanimously to approve the request as presented and the necessary resolution was authorized for the September 19, 2014 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Moving along, Mrs. Vogel presented a request to authorize the County Clerk to enter into an agreement with ARCC (Adirondack Regional Chamber of Commerce) for the promotion of the "Return the Favor" Veterans Program. She explained the Warren County Clerk and the County's Veterans' Services Office had run the "Return the Favor" Veterans Program since May of 2011. She said the program was offered in several Counties. She stated the program recognized Veterans by providing them with a card that entitled them to some additional discounts at local businesses. She continued, the local businesses who wished to participate in the program signed up through her Office. She advised her Office became involved with the program because they recorded the military discharges. She stated there was no charge for Veterans requesting copies of their discharge papers. She said there were about 138 businesses that currently participated in the program. The ARCC, Mrs. Vogel apprised, was putting forth a new initiative with a focus of being more Veteran friendly; therefore, she stated, they would be promoting the "Return the Favor" Veterans Program amongst their current membership. She pointed out she was looking forward to a cooperative agreement with the ARCC because her Office was limited by the amount of promotion they could do for the program. She commented she felt their efforts would support and enhance the program.

Mr. Auffredou added the ARCC should be applauded for coming forward with this initiative, as he believed this was a great idea. He stated they were in a much better position to assist the County with promotion and marketing. He noted there was no cost to the County. To address Mrs. Vogel's concern that the efforts from the ARCC may create an additional workload for her staff, he apprised, a provision was included in the agreement stating that if such an event were to occur all parties involved would meet again to develop a solution, such as the ARCC exploring ways to provide funding for those additional duties. He advised the agreement would renew annually from year to year. He anticipated Mrs. Vogel would provide periodic updates about the program to the Committee. He commented he felt the Veterans in the County would benefit from the program.

Mr. Vanselow questioned whether Veterans signed up to participate in the program every year and Mrs. Vogel replied in the negative. She explained the Veterans only had to sign up for the program once; however, she stated, if they lost their "Return the Favor" card they would need to come to the Office to have a new card issued. Mr. McDevitt apprised his only complaint with the program was that the Home Depot and Lowe's no longer participated as merchants.

Motion was made by Ms. Wood, seconded by Mr. Vanselow and carried unanimously to approve the request to enter into an agreement with ARCC as presented and the necessary resolution was authorized for the September 19, 2014 Board meeting. *A copy of the resolution request form is on file with the minutes.*

With regards to E-Recording status, Mrs. Vogel reminded the Committee that in October of 2013 she had brought forth a request for her Office to enter into a Memorandum of Understanding (MOU) with

entities of the Clerk's choosing who met all the provisions of law for purposes of E-Recording. She said E-Recording was completed through certain companies that were electronic delivery agents or electronic couriers for submitters. She reported the first MOU had been executed with Simplifile. She stated E-Recording commenced as of July 27, 2014 and 40 documents had been processed to date in her Office. She advised she was pleased with the results thus far, as all tracking was in order. She apprised according to the County Clerk's Association there were currently 15 Counties that utilized E-Recording and another 18 planned to implement it prior to the end of 2014. She said she thought E-Recording of all real property documents would be forthcoming. She reiterated thus far the process seemed to be running smoothly.

Mr. Auffredou advised he had worked closely with Mrs. Vogel on the MOU's and he concurred that E-recording of all real property documents would be forthcoming. He said he felt E-Recording would be picking up momentum rather quickly, as there were MOU's with two other entities pending. He stated the new entities MOU's were identical to that of the MOU for Simplifile to ensure there was no preferentialism.

Mr. McDevitt questioned whether a resolution was necessary and Mr. Auffredou replied in the negative. He explained a resolution was not necessary because Resolution No. 538 of 2013 authorized the County Clerk to enter into MOU's with entities for electronic transmittal of real property documents. He emphasized there was no cost to the County, as the entities charged their clients for electronically transmitting the documents to the County Clerk's Office; however, he stated, if any of the entities decided to charge Warren County he had included provisions in the MOU to permit the County to opt out of the agreement. Mrs. Vogel added she was pleased with the progress thus far and looked forward to working with the two other entities. She pointed out E-Recording provided efficiencies with the recording process. As an example she stated, when documents did not meet the specifications required, they were returned to the client electronically. She continued, in these cases the corrected documents were usually returned within one hour.

Mrs. Vogel presented a request to attend the New York State Association of County Clerks meeting in White Plains, New York from November 17-19, 2014 utilizing a County vehicle.

Motion was made by Ms. Wood, seconded by Mr. Vanselow and carried unanimously to approve the request. *A copy of the Authorization to Attend Meeting or Convention form is on file with the minutes.*

There being no further business to come before the County Clerk - Motor Vehicles Committee, on motion by Mr. Vanselow and seconded by Mr. Brock, Mr. McDevitt adjourned the meeting at 9:59 a.m.

Respectfully submitted,  
Sarah McLenithan, Secretary to the Clerk of the Board